

# APPENDIX

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT  
OF TEXAS FORT WORTH DIVISION**

Hobby Distillers Association, Rick Morris,  
Thomas O. Cowdrey III, Scott McNutt,  
John Prince III

Plaintiffs,

v.

Alcohol and Tobacco Tax and Trade Bureau;  
Department of Justice

Defendants.

Case No. 4:23-cv-1221-O

**Declaration of Frank L. Johnson**

I, Frank L. Johnson, hereby declare and certify as follows:

1. I have been an employee of the Alcohol and Tobacco Tax and Trade Bureau (TTB) for 7 years. Currently, I am the Director of the Application Services Division (ASD) at the Office of Permitting and Taxation of TTB, United States Department of the Treasury, in Cincinnati, Ohio. The statements made herein are based on my personal knowledge and information obtained in my official capacity.
2. In my official capacity, I have access to TTB's records related to applications, registrations, and notices required by the Internal Revenue Code (IRC) and Federal Alcohol Administration Act (FAA Act) before engaging in certain activities involving the production or use of alcohol, such as establishing a distilled spirits plant (DSP) or an alcohol fuel plant (AFP).<sup>1</sup>

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<sup>1</sup> An AFP is a type of DSP that may be established solely for producing, processing, storing, and using or distributing distilled spirits to be used exclusively for fuel use. Thus, there are significant differences between the two types of plants such as the activities authorized, and the qualification, bonding, and recordkeeping requirements. *See* 26

3. To maintain these records, TTB uses secure electronic systems.
4. TTB collects the information it needs under the IRC and FAA Act to review an application to establish a DSP through the Application, Personnel Questionnaire, and Registration, TTB Forms 5100.24 (Exhibit A), 5000.9 (Exhibit B), and 5110.41 (Exhibit C), respectively, as well as a diagram of the proposed DSP premises. *See* 27 C.F.R. §§ 1.25, 19.72.
5. A prospective application for a DSP must demonstrate compliance with all relevant statutory and regulatory requirements, including: that the applicant has not, within five years prior to the date of application, been convicted of a felony, or within three years prior to the application, been convicted of a misdemeanor under federal law related to alcohol or the taxation thereof; that the applicant, by reason of its business experience, financial standing or trade connections, is likely to commence operations within a reasonable period and to maintain such operations in conformity with federal law; that the premises are continuous and have adequate security measures to protect the revenue; that the applicant has accurate instruments and equipment (e.g., hydrometers and thermometers meeting requirements in 27 C.F.R. part 30) for determining the proof and volume of spirits; that the premises are not ones where beer or wine are produced; and that the applicant possesses locks that meet TTB requirements. *See* 27 U.S.C. § 204; 26 U.S.C. §§ 5178, 5204; *see also* 27 C.F.R. §§ 1.24, 19.52, 19.53, 19.188, 19.192.
6. To evaluate whether these criteria are satisfied, TTB collects in-depth information about the proposed DSP premises during the application process, such as a detailed

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U.S.C. § 5181; 27 C.F.R. § 19.662. For purposes of this declaration, I use the terms separately and references to DSPs are not inclusive of AFPs.

- description of plant, its equipment, storage systems, production and storage capacity, security measures, step-by-step processes used to produce spirits from an original source, as well as statements that accounting records will be maintained in accordance with generally accepted accounting principles, whether spirits will or will not be bottled, denatured, redistilled, and whether a bond is required. *See* 27 C.F.R. §§ 19.73-19.77.
7. TTB collects the information it needs under the IRC to review an application to establish an AFP through the Application, TTB Form 5110.74 (Exhibit D); TTB may require additional information depending on the size of the operations. *See* 27 C.F.R. §§ 19.673-19.676. An AFP is a DSP established solely for the purpose of producing, processing, and storing and using or distributing distilled spirits for fuel use. *See* 26 U.S.C. § 5181(a)(1); 27 C.F.R. § 19.662.
  8. TTB's Permits Online electronic system (PONL) allows applicants to upload documents and submit the information necessary to complete the required forms.
  9. Even if an applicant submits the documents and information on paper, TTB enters the information into PONL to process the application.
  10. Depending on the circumstances, TTB may also ask the applicant for additional documents, such as proof of a bond, power-of-attorney, articles of incorporation, lease agreement, proof of property ownership, and partnership agreements. *See* 27 C.F.R. §§ 1.25, 19.73.
  11. An application is complete and ready for submission in PONL once all the required documents have been uploaded. PONL notifies TTB when an application has been submitted, and a specialist in ASD is assigned to review the application.

12. TTB requires that an application for a basic permit under the FAA Act be made on TTB Form 5100.24 (Application for Basic Permit) (Exhibit A) or 5100.18 (Application for Amended Basic Permit) (Exhibit E). *See* 27 C.F.R. § 1.25. Similarly, TTB requires that an applicant for a DSP registration under the IRC must apply for registration on form TTB Form 5110.41 (Registration of Distilled Spirits Plant) (Exhibit C) and submit the application to the appropriate TTB officer. *See* 27 C.F.R. § 19.72. Applicants may file the application, registration, and supporting documents with TTB by uploading and submitting them in PONL or by mailing them to TTB.
13. When a supporting document, such as a personnel questionnaire, is uploaded in PONL, the applicant is provided with a system-generated tracking number, which can be used by the applicant to complete a DSP application by providing the required information and uploading any additional documents needed to complete the application. TTB is only notified when a completed application has been submitted.
14. I am familiar with PONL and have access to the records maintained by TTB in PONL and other TTB systems. As part of my duties as the Director, ASD, I have had employees in my division conduct searches reasonably calculated to determine the application history of the named Plaintiffs in this case.
15. As a result of TTB's aforementioned searches of all relevant databases, TTB has determined that none of the plaintiffs have ever submitted an FAA Act basic permit application (TTB Form 5100.24) (Exhibit A) or IRC Registration (TTB Form 5110.41) (Exhibit C) to establish a DSP in any dwelling house, in any shed, yard, or inclosure connected with any dwelling house.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 21<sup>st</sup> day of March 2024.

Frank L.  
Johnson

Digitally signed by  
Frank L. Johnson  
Date: 2024.03.21  
14:09:04 -04'00'

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Frank L. Johnson  
Director, Application Services Division  
Alcohol and Tobacco Tax and Trade Bureau  
U.S. Department of the Treasury

# Exhibit A

**DEPARTMENT OF THE TREASURY**  
**ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)**

**APPLICATION FOR BASIC PERMIT UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT**

1. FULL NAME AND PREMISES ADDRESS   TELEPHONE NUMBER _____ State in which organized for Corporations and Limited Liability Companies (LLC): _____	3. EMPLOYER IDENTIFICATION NUMBER (EIN) <i>(Social Security number is not acceptable)</i>  4. OPERATING NAME (DBA), if any _____
2. MAILING ADDRESS <i>(If different from premises address)</i> _____	5. LABELING TRADE NAME(S), if any _____

6. BUSINESS(ES) TO BE CONDUCTED AT PREMISES ADDRESS *(Check applicable boxes)*

- |   |  |
|---|--|
| a. <input type="checkbox"/> DISTILLED SPIRITS PLANT <i>(BEVERAGE)</i><br><input type="checkbox"/> DISTILLING<br><input type="checkbox"/> WAREHOUSING AND BOTTLING DISTILLED SPIRITS<br><input type="checkbox"/> PROCESSING <i>(RECTIFYING)</i> DISTILLED SPIRITS AND WINE<br><br>b. <input type="checkbox"/> BONDED WINE PREMISES<br><input type="checkbox"/> PRODUCING AND BLENDING WINE<br><input type="checkbox"/> BLENDING WINE | c. <input type="checkbox"/> IMPORTING INTO THE UNITED STATES<br><input type="checkbox"/> DISTILLED SPIRITS<br><input type="checkbox"/> WINE<br><input type="checkbox"/> MALT BEVERAGES<br><br>d. <input type="checkbox"/> PURCHASING FOR RESALE AT WHOLESALE<br><input type="checkbox"/> DISTILLED SPIRITS<br><input type="checkbox"/> WINE<br><input type="checkbox"/> MALT BEVERAGES |
|---|--|

or while so engaged, sell, offer, or deliver for sale, contract to sell, or ship in interstate or foreign commerce the alcoholic beverages so distilled, produced, rectified, blended or bottled, warehoused and bottled, imported, or purchased for resale at wholesale.

7. REASON FOR THE APPLICATION *(use date format MM/DD/YYYY)*

- |   |   |
|---|---|
| a. <input type="checkbox"/> NEW BUSINESS<br>Anticipated start date _____<br><br>b. CHANGE IN CONTROL <i>(Actual or legal)</i><br><input type="checkbox"/> Submit Basic Permit(s) with this application.<br>Date of Change _____ | c. <input type="checkbox"/> CHANGE IN OWNERSHIP<br>Date of Change _____<br>Name, address, and permit number(s) of predecessor _____ |
|---|---|

8. OWNER INFORMATION *(List sole owner, all general parties, LLC members/managers, corporate officers and directors, and shareholders with more than 10% voting stock. Each listed person must also furnish the information in Item 9.)*

NAME	TITLE	% VOTING/STOCK/INTEREST (If applicable)	INVESTMENT IN BUSINESS (Item 6)	SOURCE OF FUNDS INVESTED (savings, loans, gift, or specify other & financial institution name, city & state)

IF APPLICANT IS ACTUALLY OR LEGALLY CONTROLLED BY PERSONS OR BUSINESSES NOT IDENTIFIED ABOVE, PROVIDE ON A SEPARATE SHEET INFORMATION *(as specified for Item 9)* FOR EACH PERSON OR BUSINESS AND STATE THE EXTENT AND MANNER OF THE CONTROL. BUSINESSES SHOULD INCLUDE THEIR EIN.

9. COMPLETE FOR EACH PERSON LISTED IN ITEM 8.

a. FULL GIVEN NAME _____	b. DATE AND PLACE OF BIRTH _____	c. SOCIAL SECURITY OR EMPLOYER IDENTIFICATION NUMBER _____
d. <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	e. OTHER NAMES USED <i>(Maiden name, nicknames, etc.)</i> _____	



a. FULL GIVEN NAME	b. DATE AND PLACE OF BIRTH	c. SOCIAL SECURITY OR EMPLOYER IDENTIFICATION NUMBER
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> d.   <input type="checkbox"/> MALE   <input type="checkbox"/> FEMALE </div> <div style="width: 80%;"> e. OTHER NAMES USED <i>(Maiden name, nicknames, etc.)</i> </div> </div>		

a. FULL GIVEN NAME	b. DATE AND PLACE OF BIRTH	c. SOCIAL SECURITY OR EMPLOYER IDENTIFICATION NUMBER
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> d.   <input type="checkbox"/> MALE   <input type="checkbox"/> FEMALE </div> <div style="width: 80%;"> e. OTHER NAMES USED <i>(Maiden name, nicknames, etc.)</i> </div> </div>		

a. FULL GIVEN NAME	b. DATE AND PLACE OF BIRTH	c. SOCIAL SECURITY OR EMPLOYER IDENTIFICATION NUMBER
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> d.   <input type="checkbox"/> MALE   <input type="checkbox"/> FEMALE </div> <div style="width: 80%;"> e. OTHER NAMES USED <i>(Maiden name, nicknames, etc.)</i> </div> </div>		

a. FULL GIVEN NAME	b. DATE AND PLACE OF BIRTH	c. SOCIAL SECURITY OR EMPLOYER IDENTIFICATION NUMBER
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> d.   <input type="checkbox"/> MALE   <input type="checkbox"/> FEMALE </div> <div style="width: 80%;"> e. OTHER NAMES USED <i>(Maiden name, nicknames, etc.)</i> </div> </div>		

10. HAS THE APPLICANT OR ANY PERSON LISTED FOR ITEMS 8 OR 9 EVER BEEN DENIED A PERMIT, LICENSE, OR OTHER AUTHORIZATION TO ENGAGE IN ANY BUSINESS TO MANUFACTURE, DISTRIBUTE, IMPORT, SELL, OR USE ALCOHOL PRODUCTS *(beverage or nonbeverage)* BY ANY GOVERNMENT AGENCY *(Federal, State, local, or foreign)* OR HAD SUCH PERMIT, LICENSE, OR OTHER AUTHORIZATION REVOKED, SUSPENDED, OR OTHERWISE TERMINATED?

☐ YES. State details of each event on a separate sheet.      ☐ NO

11. HAS THE APPLICANT OR ANY PERSON LISTED FOR ITEMS 8 OR 9 EVER BEEN ARRESTED FOR, CHARGED WITH, OR CONVICTED OF ANY CRIME UNDER FEDERAL, STATE, OR FOREIGN LAWS other than traffic violations or convictions that are not felonies under Federal or State law.

☐ YES. State details of each event on a separate sheet.      ☐ NO

**TTB MAY REQUIRE additional information to process this application.** If you are applying for a basic permit to operate a distilled spirits plant or bonded wine premises, you must also file additional forms and information required under the Internal Revenue Code. **OPERATION WITHOUT A PERMIT.** Criminal and administrative actions may be taken against persons engaged in a business listed in Item 6 of this form if it is not conducted pursuant to an FAA Act basic permit.

APPLICANT'S AFFIRMATION. Under penalties of perjury, I declare that I have examined this application, including accompanying statements, and to the best of my knowledge and belief, it is true, correct, and complete. The applicant must immediately notify the TTB official with whom this application is filed of any change in ownership, management, or control of the applicant *(in the case of a corporation, any change in the officers, directors, or persons holding 10 percent or more of the corporate stock)*. The business for which this application is made does not violate the law of the State in which the business will be conducted. In addition, if this application is approved, the applicant will conduct operations within a reasonable period of time and maintain such operations in conformity with Federal law.

12. APPLICANT'S SIGNATURE <i>(Sole owner, partner, corporate officer, LLC member or manager, or if designated agent, submit TTB F 5000.8)</i>	13. TITLE OF PERSON SIGNING	14. DATE
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15. E-MAIL (INTERNET) ADDRESS *(optional)*:

## INSTRUCTIONS

1. GENERAL. You must file this application if you want a permit under the Federal Alcohol Administration Act (FAA Act) to engage in the business of:

- Producing or processing distilled spirits or wine includes for nonindustrial use.
- Importing into the United States, or wholesaling, alcoholic beverages.

Nonindustrial use of distilled spirits or wines includes all beverage purposes or uses in preparing foods or drinks. Wholesaling under the FAA Act means purchasing alcoholic beverages for resale at wholesale. The FAA Act defines alcoholic beverages as distilled spirits, wine, or malt beverages including any fermented cereal beverages which have an alcohol content of not less than 1/2 percent.

2. COMPLETING AND FILING THIS APPLICATION.

- Please type or print and complete all items.
- Write "not applicable" in any item requesting information that does not apply to your business.
- Items 8 through 11: If this information is on file with TTB, state "On file under (*name and TTB permit or registry number or type of pending application*)."
- If you need additional room, use a separate sheet.
- If your producing or processing operations will be in Puerto Rico, contact the Director, Puerto Rico Operations, for additional requirements.
- Send this form in duplicate to the appropriate TTB (Alcohol and Tobacco Tax and Trade Bureau ) office.

Location of  
Business

PUERTO RICO

ALL OTHER STATES

Send to:  
TTB

Ste. 310 Torre Chardon,  
350 Carlos Chardon Ave.  
San Juan, PR 00918-21244

550 Main Street, Suite 8002  
Cincinnati, OH 45202

787-766-5584

1-877-882-3277

3. LABEL APPROVALS FOR BOTTLED ALCOHOLIC BEVERAGES. Bottlers, packagers, and importers should have TTB approved label certificates (TTB F 5100.31). A label approval is required to sell, ship, or deliver for sale or shipment, or to otherwise introduce in interstate or foreign commerce, alcoholic beverages. Also, a label approval allows importers to release specific imported alcoholic beverages from Customs' custody. For label approvals contact TTB, Advertising, Labeling and Formulation Division, Washington, DC 20220, phone (202-453-2250). TTB does not approve certificates until you have the appropriate FAA Act basic permit. You can submit draft labels (*for example, mockups*) to TTB for review before printing the labels. Trade name approval on your FAA Act basic permit does not constitute approval as a brand name for labeling purposes.
4. Alcohol Dealer Registration. If you are a retail or wholesale dealer and deal in beer, wine or distilled spirits, file TTB F 5630.5d, Alcohol Dealer Registration. **SPECIAL TAX FOR RETAIL AND WHOLESALE DEALERS HAS BEEN REPEALED, NO TAX PAYMENT DUE.** You do not file this form when your business only involves the importation or sale of fermented cereal beverages which have an alcoholic content of less than 1/2 percent or where your business is only in Puerto Rico.
5. EMPLOYER IDENTIFICATION NUMBER. You need to have this number for your business even if you do not have any employees. To obtain an EIN, file Form SS-4 with the Internal Revenue Service.

## PRIVACY ACT INFORMATION

1. AUTHORITY. Solicitation of information on TTB F 5100.24 is made pursuant to 27 U.S.C. Section 204(c). Disclosure of this information by the applicant is mandatory if the applicant wishes to obtain a basic permit under the Federal Alcohol Administration Act.
2. PURPOSES. To identify the applicant, the location of the premises, and to determine the eligibility of the applicant to obtain a basic permit.
3. ROUTINE USES. The information will be used by TTB to make determinations set forth in paragraph 2 above. Where such disclosure is not prohibited, TTB officers may disclose this information to other Federal, State, foreign, and local law enforcement and regulatory agency personnel to verify information on the application, and for enforcement of the laws of such other agency. The information may be disclosed to the Justice Department if the application appears to be false or misleading. TTB officers may disclose the information to individuals to verify information on the application where such disclosure is not prohibited.
4. EFFECTS OF NOT SUPPLYING INFORMATION REQUESTED. TTB may delay or deny the issuance of the FAA Act basic permit where information is not complete or missing.
5. DISCLOSURE OF EMPLOYER IDENTIFICATION NUMBER AND SOCIAL SECURITY NUMBER. You do not have to supply these numbers. These numbers are used to identify an individual or business. If you do not supply the numbers, your application may be delayed.

## PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction of 1995. The information collection is used to determine the eligibility of the applicant to engage in certain operations, to determine the location and extent of operations, and to determine whether the operations will be in conformity with Federal laws and regulations. The information requested is required to obtain or retain a benefit and is mandatory by statute (27 U.S.C. 203 and 204 (c)).

The estimated average burden associated with this collection of information is 1 hour and 45 minutes per respondent depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Box 12, Washington, DC 20005.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current, valid OMB control number.

# Exhibit B

OMB No. 1513-0002

<b>DEPARTMENT OF THE TREASURY</b> <b>ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)</b> <b>PERSONNEL QUESTIONNAIRE ---</b> <b>ALCOHOL AND TOBACCO PRODUCTS</b>		DATE	
<b>I. THIS FORM IS FILED AS A SUPPLEMENT TO APPLICATION FILED BY:</b> <i>(Identify the business that has submitted an application for a TTB permit or has submitted a Brewer's Notice or other request for TTB approval to operate.)</i>			
1. Name of Business		3. Premises (Physical) Address (No., Street, City, State, and Zip Code)	
2. Primary Business Telephone Number  (     )     -     EXT			
<b>II. INFORMATION FOR THE INDIVIDUAL RELATED TO THE APPLICATION FILED BY THE BUSINESS IN SECTION I</b> <i>(Related individuals may be owners, officers, directors, members, partners, etc., with a connection to the business identified in Section I.)</i>			
4. First Name, Middle Name, Last Name		8. Your Email Address	
5. Have you ever been known by ANY other name? <i>(Select Yes or No. If yes, provide other names used including nicknames, aliases, married name, maiden name, and include the date of any legal name change.)</i>  Yes <input type="checkbox"/> No <input type="checkbox"/>		9. Your Primary Personal Telephone Number	
		10. Your Place of Birth (City, State, Country)	
		11. Your Birth Date	12. Your Social Security No.
6. Your Legal Residence (No., Street, City, State, and ZIP Code)		13. Your Gender <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
7. Your Work Address (No., Street, City, State, and ZIP Code)  Check if the same as: Item 3 <input type="checkbox"/> Item 6 <input type="checkbox"/>		14. Your Position or Title with the Business Listed in Section I.	

**III. INDIVIDUAL'S ARREST, CRIMINAL, AND BUSINESS BACKGROUND HISTORY**

*(TTB will conduct a background check on the individual listed in Section II. Make sure answers in this document are completely truthful. If necessary, please use the additional space in Item 30 on the last page or attach a separate sheet of paper to provide further explanations, making sure to identify the question to which you are responding.)*

If the answer to any question in this section is **"Yes,"** please provide full details in the area provided, the additional space in Item 30 on the last page, or on a separate sheet, taking care to number the responses to correspond with the question. Convictions, arrests, or charges for minor traffic violations need not be reported.

15. Have you ever been **summoned for, arrested for, or charged with** any violation of any FEDERAL or STATE law related to products regulated by Chapter 51 (distilled spirits, wine, and beer) or 52 (tobacco products, processed tobacco, and cigarette papers and tubes) of the Internal Revenue Code or the Federal Alcohol Administration Act?

Yes ☐

No ☐

16. Have you ever been **summoned for, arrested for, or charged with** a FELONY violation of any other FEDERAL or STATE law?

Yes ☐

No ☐

17. Have you been **summoned for, arrested for, or charged with** a MISDEMEANOR violation of any other FEDERAL or STATE law within the last ten (10) years?

Yes ☐

No ☐

18. Have you ever been **convicted** of any FELONY or MISDEMEANOR under FEDERAL or STATE law?

Yes ☐

No ☐

19. Have you ever compromised or settled, by payment (including fines), stipulated suspension, surrender of permit, or otherwise any violation of FEDERAL law relating to products regulated by Chapter 51 (distilled spirits, wine, and beer) or 52 (tobacco products, processed tobacco, and cigarette papers and tubes) of the Internal Revenue Code or any violation of the conditions of a permit or registration issued to you under the Federal Alcohol Administration Act or the Internal Revenue Code?

Yes ☐

No ☐

20. Has disapproval ever been given to any application or notice of intention to distill, produce, brew, manufacture, use, store, rectify or blend, bottle, distribute, sell, or import products regulated by Chapter 51 (distilled spirits, wine, and beer) or 52 (tobacco products, processed tobacco, and cigarette papers and tubes) of the Internal Revenue Code or the Federal Alcohol Administration Act filed by you or any firm or corporation of which you were proprietor or a partner, officer, director, principal stockholder, or responsible employee?

Yes ☐

No ☐

20a. If your answer is **"Yes,"** provide the name under which the application was filed and the reason(s) for disapproval.

21. Have you as an **individual** or **in connection with** a partnership, LLC, firm, or corporation ever been **affiliated** with a FEDERAL permit or approval to distill, produce, brew, manufacture, use, store, rectify or blend, bottle, distribute, sell, deal in, or import products regulated by Chapter 51 (distilled spirits, wine, and beer) or 52 (tobacco products, processed tobacco, and cigarette papers and tubes) of the Internal Revenue Code or the Federal Alcohol Administration Act? **Yes** ☐ **No** ☐

21a. If your answer is "Yes," please provide the following, as applicable:

- |  |   |
|--|---|
| <p>i. Permit or Registry Number, if known</p> <p>ii. Dates of involvement (month and year)</p> <p>iii. Name and address under which the permit/approval was issued.</p> <p>iv. During your period of involvement, did the partnership, LLC, firm, or corporation discontinue operations?<br/>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If your answer is "Yes," please provide details, use box at the top of the next column.</p> | <p>(Continued from item iv., at the bottom of left column.)</p> <p>v. If your connection was as an employee, please provide the following information:</p> <p>(a) Dates of involvement as an employee (month and year).</p> <p>(b) Your Capacity and Position.</p> <p>(c) Name of employer.</p> |
|--|---|

22. Your Investments in the Business Listed in Section I.

22a. Have you invested any funds in the business to date? Yes ☐ No ☐

If yes, please list the amount and the source of the funds, including the name and address of the location where the funds were held and the type of account and account number, if applicable. Savings / Checking Account ☐ Amount (in U.S. Dollars): \_\_\_\_\_

Name and Address of Institution: \_\_\_\_\_

Account Number: \_\_\_\_\_

Personal or Business (please circle) Loan from a Lending Institution ☐ Amount (in USD): \_\_\_\_\_

Personal or Business (please circle) Loan from an Individual ☐ Amount (in USD): \_\_\_\_\_

Credit cards ☐ Amount (in USD): \_\_\_\_\_

Gift (please specify the source and your relationship) ☐ Amount (in USD): \_\_\_\_\_

Source(s): \_\_\_\_\_ Relationship(s): \_\_\_\_\_

Other ☐ If other, please describe: \_\_\_\_\_

**IV. ADDITIONAL INFORMATION OR EXPLANATION**

23. Please use this space to provide additional information or explanation, if necessary, taking care to number the responses to correspond to the question (continue on separate sheet, if needed).

**V. CERTIFICATION**

*(The individual named in Section II should sign below.)*

Under the penalties of perjury, I declare that this statement, including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete.

24. Applicant Signature

25. Date

**PRIVACY ACT STATEMENT**

The following information is provided pursuant to Section 3 and 7(b) of the Privacy Act of 1974 (5 U.S.C. 552a(e)(3)):

- 1. AUTHORITY.** Solicitation of this information is made pursuant to the following statutes: 26 U.S.C. 5171(d), 5181, 5271(b), 5356, 5401(a), 5502(b), 5511(3), and 5712, and 27 U.S.C. 204(c). Disclosure of this information is mandatory if the applicant wishes to receive a TTB permit or TTB approval to operate a regulated alcohol or tobacco business.
- 2. PURPOSE.** To enable TTB to determine the eligibility, suitability, and/or qualifications of an applicant who proposes to engage in a business regulated by TTB.
- 3. ROUTINE USES.** The information will be used by TTB to make the determinations set forth in paragraph 2. In addition, the information may be disclosed to other Federal, State, foreign, and local law enforcement and regulatory agency personnel to verify information on the form where such disclosure is not prohibited by law. The information may further be disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, the information may be disclosed to members of the public in order to verify the information on the form where such disclosure is not prohibited by law.
- 4. EFFECTS OF NOT SUPPLYING INFORMATION REQUESTED.** Failure to provide complete information may prevent TTB from making an informed judgment regarding the eligibility, suitability, and/or qualification of the applicant. This may result in either a delay in the approval of an application or its disapproval.
- 5. DISCLOSURE OF SOCIAL SECURITY NUMBER.** Disclosure of the individual social security number is voluntary. Pursuant to the statutes above, TTB is authorized to solicit this information. The number may be used to verify the individual's identity.

**PAPERWORK REDUCTION ACT NOTICE**

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used by TTB to determine if an applicant is eligible to receive a TTB permit or TTB approval to operate a regulated alcohol or tobacco business. The information is mandatory (26 U.S.C. 5171(d), 5181, 5271(b), 5356, 5401(a), 5502(b), 5511(3), and 5712; 27 U.S.C. 204).

The estimated average burden associated with this collection of information is 60 minutes per respondent, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to the Reports Management Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Box 12, Washington, DC 20005.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current, valid OMB control number.



# Exhibit C

## DEPARTMENT OF THE TREASURY

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)

## REGISTRATION OF DISTILLED SPIRITS PLANT

(Prepare in duplicate. See instructions below.)

1. SERIAL NUMBER (Begin with "1"  
for original registration)

2. EIN

## PART I - APPLICATION

3. TO: DIRECTOR, NATIONAL REVENUE CENTER, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU	4. DATE	5. PLANT NUMBER
--	---------	-----------------

6. NAME AND PRINCIPAL BUSINESS ADDRESS OF APPLICANT (Name and street, city, county, State, and ZIP code. If rural address, show county, name or number of highway, approximate distance and direction from applicant's post office, and ZIP code.)	7. PLANT ADDRESS (If different from address in Item 6)
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8. OPERATIONS TO BE CONDUCTED (Check applicable boxes)

<input type="checkbox"/> DISTILLER	<input type="checkbox"/> WAREHOUSEMAN
<input type="checkbox"/> PROCESSOR WHO:	<input type="checkbox"/> DENATURES <input type="checkbox"/> BOTTLES <input type="checkbox"/> MANUFACTURES ARTICLES

9. PURPOSE FOR WHICH FILED (Such as original registration, extension of premises, changes in equipment, etc. Give brief description of changes)

10. I am ☐ or am not ☐ required to furnish a bond under 27 CFR 19.151. I am not required to furnish a bond only if all of the following are true: I will withdraw spirits for deferred payment of tax under 27 CFR 19.235, I was liable for not more than \$50,000 in distilled spirits taxes in the preceding calendar year, I reasonably expect to be liable for not more than \$50,000 in such taxes during the current calendar year, and I have no operations or withdrawals involving spirits for industrial use.

11. This application includes: (1) this form; (2) the papers and documents (including revisions) which are being submitted for the first time, and which are listed in Items 11A and 11B; (3) the current papers and documents of the latest approved Form TTB 5110.41, Serial No. \_\_\_\_\_, which are listed in Items 11A-1 and 11B-1; and (4) the supporting organizational documents filed in connection with another establishment but incorporated in this application by reference, and listed below in Item 11C.

11A. PAGES ATTACHED TO THIS FORM:

11A-1. PAGES FROM CURRENT APPROVED FORM TTB F 5110.41:

11B. ORGANIZATIONAL DOCUMENTS ATTACHED TO THIS FORM:  
(List each document)11B-1. ORGANIZATIONAL DOCUMENTS FILED WITH PRIOR  
APPROVED FORM TTB F 5110.41: (List each document)

11C. ORGANIZATIONAL DOCUMENTS FILED IN CONNECTION WITH ANOTHER ESTABLISHMENT BUT INCORPORATED IN THIS APPLICATION BY REFERENCE: (List each document, and show the name or plant number under which filed)

Under penalties of perjury, I declare that I have examined this application, including accompanying documents, statement of security, and those documents incorporated in the application by reference, and to the best of my knowledge and belief it is true, correct, and complete.

12. SIGNATURE

13. TITLE

## PART II - NOTICE OF REGISTRATION

Registration is approved, effective \_\_\_\_\_, \_\_\_\_\_

SIGNATURE AND TITLE OF TTB OFFICIAL, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

DATE

## GENERAL INSTRUCTION

1. Application for registration (or amended registration) of a distilled spirits plant must be submitted on this form, in duplicate, to the Director, National Revenue Center, 550 Main St, Ste 8002, Cincinnati, OH 45202-5215. The application when approved constitutes the notice of registration required by law (26 U.S.C. 5171(c)) to be held before the operations of distiller, warehouseman, processor, or any combination thereof, may be commenced or continued.
2. The proprietor is responsible for keeping information in his/her notice of registration current and complete. When a change affects the notice, the proprietor must, as required by 27 CFR Part 19, submit an application for amended registration, together with supplemental or replacement pages, or documents necessary to bring the notice of registration up to date. Replacement pages must be numbered to correspond to the pages being replaced.
3. For a partnership, the application must be signed by all partners, or by a partner authorized to sign on behalf of the firm, or by an authorized attorney. For a corporation, the application must be executed in the corporate name, followed by the signature and title of the person authorized to act for the corporation.
4. A current notice of registration must be maintained at the plant by the proprietor.

## PAPERS AND DOCUMENTS TO BE SUBMITTED WITH APPLICATION

1. Applicants are required to furnish, in duplicate, as prescribed in 27 CFR Part 19, the following information on consecutively numbered, dated, looseleaf pages assembled under this form:
  - a. List of applicant's operating and basic permits and the operations, withdrawal, or unit bonds, and the penal sums thereof (including those filed with this application), with the name of the surety or sureties. Note--If the bond(s) is in an amount less than the maximum penal sum, applicants must include a statement of the maximum number of proof gallons which will be stored on, and in transit to such bonded premises during any 15 day period. Information related to bonds need not be provided if no bond is required under 27 CFR 19.151.
  - b. List of the offices whose incumbents are authorized by the articles of incorporation or the board of directors to act on behalf of the proprietor, or to sign his name.
  - c. A statement of the type of business organization and of the persons interested in the business, supported by the corporate documents, articles of partnership, and statement of interest in the business, as required by 27 CFR Part 19. (Where any statement or document required by this paragraph is on file with the Director, NRC, it may, by reference thereto by the applicant, be made a part of the registration application.)
  - d. Description of the distilled spirits plant.
  - e. List of major equipment.
  - f. A certified statement that relevant and material accounting records will be in accordance with generally accepted accounting principles which enable the proprietor to file a correct distilled spirits tax return and to determine whether he/she is liable for distilled spirits taxes.
  - g. Statement of physical security measures employed (see 27 CFR 19.76).
  - h. As applicable, the following:
    - (1) For the operations of a distiller:
      - (a) Statement of daily producing capacity;
      - (b) Statement of production procedure;
    - (2) For the operations of a warehouseman:
      - (a) Description of the storage operation;
    - (3) For the operations of a processor:
      - (a) Statement whether bottling operations will be conducted;
      - (b) Statement whether denaturing operations will be conducted;
      - (c) Statement whether articles will be manufactured;
      - (d) Statement whether spirits will be redistilled;
      - (e) Description of the system for storage of spirits products bottled and cased or otherwise packaged or placed in approved containers for removal from bonded premises.
    - (4) For any other business to be conducted on the plant premises, a description of the business, a list of the buildings and equipment to be used, and a statement of the relationship, if any, of the business to distilled spirits operations at the plant.
2. Applicants, when instructed by the Director, NRC are required to furnish as part of the registration application such additional information as may be necessary for the Director, NRC to determine whether the application should be approved.

## PRIVACY ACT INFORMATION

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. §552a(e)(3)):

1. **AUTHORITY.** Solicitation of this information is made pursuant to 26 U.S.C. §5172. Disclosure of this information by the applicant is mandatory if the applicant wishes to register his distilled spirits plant.
2. **PURPOSE.** To identify the applicant, to identify the nature, location, and extent of the premises, and the specific type or types of operations to be conducted on the premises, and to determine the eligibility of the applicant to register the plant.
3. **ROUTINE USES.** The information will be used by TTB to make determinations set forth in paragraph 2. In addition, the information may be disclosed to other Federal, State, foreign, and local law enforcement and regulatory agency personnel to verify information on the form where such disclosure is not prohibited by law. The information may further be disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, the information may be disclosed to members of the public in order to verify the information on the form where such disclosure is not prohibited by law.
4. **EFFECTS OF NOT SUPPLYING REQUESTED INFORMATION.** Failure to supply complete information will delay processing and may result in the denial of the application.

## PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used to determine the eligibility of the applicant to engage in certain operations, to determine location and extent of operations, and to determine whether the operations will be in conformity with Federal laws and regulations. The information requested is required to obtain or retain a benefit and is mandatory by statute (26 U.S.C. 5172).

The estimated average burden associated with this collection of information is 2 hours per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to the Reports Management Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW, Box 12, Washington, DC 20005.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current, valid OMB control number.

# Exhibit D

DEPARTMENT OF THE TREASURY  
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)

## APPLICATION FOR AN ALCOHOL FUEL PRODUCER PERMIT UNDER 26 U.S.C. 5181

## INSTRUCTION SHEET FOR TTB FORM 5110.74

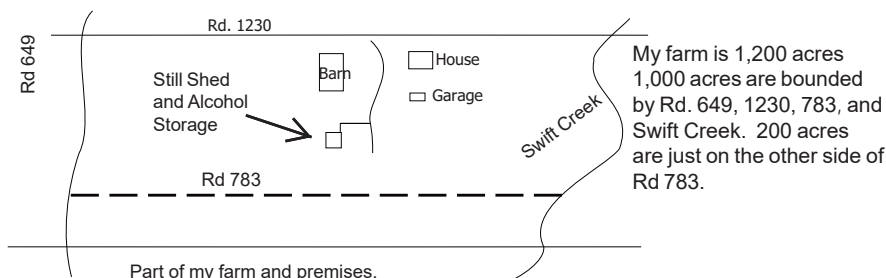
COMPLETE THIS FORM IN TRIPLICATE. SIGN ALL COPIES IN INK.

PLEASE READ CAREFULLY. AN INCOMPLETE OR INCORRECT APPLICATION WILL DELAY YOUR ALCOHOL FUEL PRODUCER'S PERMIT.

1. **PURPOSE.** The application is completed by a person (applicant) who would like to establish a plant to produce, process, and store, and use or distribute distilled spirits to be used exclusively for fuel purposes under 26 U.S.C. 5181. Distilled spirits means only ethanol or ethyl alcohol. The production of methanol does not require a permit from the Alcohol and Tobacco Tax and Trade Bureau. The production of distilled spirits from petroleum, natural gas, or coal is not allowed by the Alcohol Fuel Producer's Permit.
2. **GENERAL PREPARATION.** Prepare this form and any attachments in triplicate. Use separate sheets of approximately the same size as this form when necessary or as required. Identify these separate sheets with your name and attach to this form.
3. **WHERE TO FILE.** Submit application to Director, National Revenue Center, 550 Main St, Ste 8002, Cincinnati, OH 45202-5215. If required by your state, submit a copy of your approved application to the alcohol beverage agency or other State agency.
4. **INFORMATION ABOUT APPLICANT CURRENTLY ON FILE WITH TTB NEED NOT BE RESUBMITTED.** State in item requesting such information the type and the number of the license or permit for which the information was filed.
5. **TYPE OF PLANT (ITEM 1).** This item need only be completed on an original application or when the level of operation changes. Determine the type of plant on the basis of how many proof gallons of distilled spirits you intend to produce and receive during one calendar year. Proof gallons are calculated by taking the proof of the spirits multiplied by the wine gallons (a standard American gallon) and dividing by 100.  
  
Example:  
50 gallons of 190° proof spirits =  
190 times 50 divided by 100 = 95 proof gallons
6. **AMENDED PERMIT (ITEM 2).** Complete this item when changing the terms and conditions of an existing permit. Fill in only those sections being amended. (Refer to 27 CFR 19.683-19.690, 19.692, and 19.693.)
7. **CAPACITY OF STILL(S) (ITEM 11 (d)).** The capacity of your still(s) in proof gallons equals the greatest number of proof gallons of spirits that could be distilled in a 24-hour period. The capacity of a column still may be shown by giving the diameter of the base and the number of plates or packing material. The capacity of a pot or kettle still may be shown by giving the volumetric (wine gallon) capacity of the pot or kettle.
8. **SAMPLE OF DIAGRAM OF PREMISES (ITEM 14).** The diagram of your plant premises may be drawn by hand and does not have to be drawn to scale. Below is a sample of such a diagram.
9. **SIGNATURE OF/FOR APPLICANT (ITEM 17).**
  - a. Individual owners sign for themselves.
  - b. Partnerships have all partners sign, or have one partner who has submitted an authorization to act on behalf of all the partners sign.
  - c. Corporations have an officer, director, or other person who is specifically authorized by the corporate documents sign.
  - d. Any other person who signs on behalf of the applicant must submit TTB F 5000.8, Power of Attorney, or other evidence of their authority.
10. **ADDITIONAL INSTRUCTIONS FOR SMALL ALCOHOL FUEL PLANT APPLICANTS.** Complete items 1-15 on the application form. Be sure that you sign and date the form in items 17 and 19, respectively. SKIP ITEM 16. NO ADDITIONAL INFORMATION IS REQUIRED. Prepare any attachments in accordance with instruction #2.
11. **ADDITIONAL INSTRUCTIONS AND REQUIRED INFORMATION/FORMS FOR MEDIUM AND LARGE ALCOHOL FUEL PLANT APPLICANTS.** Complete all items on the application form. Be sure to sign and date the form in items 17 and 19, respectively. Prepare all attachments in accordance with instruction #2. SUBMIT ADDITIONAL INFORMATION AND FORMS (ITEM 16) AS STATED BELOW:
  - a. Show the following information for an individual proprietor, each partner, or each officer and director of a corporation or similar entity who will have responsibilities in connection with the operations covered by the permit. In addition, large alcohol fuel plant applicants must show the same information for each interested person who is listed as an individual in the statement of interest required by 27 CFR 19.677:
    - (1) Full name including middle name;
    - (2) Title in connection with applicant's business;
    - (3) Social security number;
    - (4) Date of birth;
    - (5) Place of birth; and
    - (6) Address of residence.
  - b. A statement as to whether the applicant or any person required to be listed by the instructions above has been previously arrested or charged with, or convicted of, a felony or misdemeanor under Federal or State laws (other than minor traffic violations).
  - c. A statement of the maximum quantity of distilled spirits to be produced and received during a calendar year.
  - d. A Distilled Spirits Bond, TTB Form 5110.56, as required by 27 CFR 19.699.
  - e. Statement of the amount of funds invested in the business and the source of those funds.
  - f. Any other information required by the Director, National Revenue Center after examination of this application.

## SPECIAL INSTRUCTIONS FOR ALL APPLICANTS

12. **OPERATIONS BEFORE ISSUANCE OF PERMIT.** Unless otherwise specifically authorized by law or regulations, an applicant for an alcohol fuel producer's permit may not engage in operations until a permit has been issued by the Director, National Revenue Center.
13. **STATE AND LOCAL LAWS.** This permit does not allow you to operate in violation of state or local laws. Applicants should check with the appropriate state and local authorities before engaging in alcohol fuel plant operations.
14. **TTB FORMS AND REGULATIONS.** TTB forms and regulations pertaining to alcohol fuel plants may be ordered by contacting the National Revenue Center at 1-877-882-3277 or from the TTB Web site at [www.ttb.gov](http://www.ttb.gov).



DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB) <b>APPLICATION AND PERMIT FOR AN ALCOHOL            FUEL PRODUCER UNDER 26 U.S.C. 5181</b>				FOR TTB USE ONLY	
			DATE RECEIVED		DATE RETURNED AFTER CORRECTIONS
			PERMIT NUMBER		EFFECTIVE DATE
1. TYPE OF PLANT <i>(Check applicable box)</i> <i>(Complete for Original Application or when level of operation changes)</i>			2. AMENDED PERMIT <i>(Check applicable box(es))</i>		
<input type="checkbox"/> SMALL - 10,000 Proof Gallons or Less* <input type="checkbox"/> MEDIUM - More than 10,000 Proof Gallons but not more than 500,000* <input type="checkbox"/> LARGE - More than 500,000 Proof Gallons* *Proof Gallons to be produced and received during one calendar year (See Instruction 5)			<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <i>(Change In)</i>  <input type="checkbox"/> LEVEL OF OPERATIONS  <i>(Increased operations by small and medium plants only)</i>            From _____            To _____         </div> <div style="width: 45%;"> <i>(Change In)</i>  <input type="checkbox"/> NAME OF PROPRIETOR  <input type="checkbox"/> LOCATION OF PLANT  <input type="checkbox"/> OTHER <i>(Explain)</i> _____         </div> </div>		
3. NAME OF OWNER <i>(If partnership, include name of each partner)</i>			PERMIT NO. _____		STATE _____
			AFP- _____		
4. DAYTIME TELEPHONE NUMBER <i>(Include area code and extension)</i>					
5. EIN (If no SSN)			6. DATE OF BIRTH (Sole/Each Partner)		
7. LOCATION <i>(If no street address show rural route)</i>			8. MAILING ADDRESS <i>(If different from plant location) (RFD or Street No., City, State, ZIP Code)</i>		
9. PREMISES FOR ALCOHOL FUEL PLANT ARE <i>(Check applicable box)</i>			10. Officers of the Alcohol and Tobacco Tax and Trade Bureau, and state and local officers, are granted access to the premises described by this application for an Alcohol Fuel Producer's Permit.		
<input type="checkbox"/> OWNED BY THE APPLICANT <i>(Skip Item 10, go to Item 11)</i>  <input type="checkbox"/> NOT OWNED BY THE APPLICANT <i>(Complete Item 10)</i>			NAME AND ADDRESS OF PROPERTY OWNER		
			SIGNATURE OF/FOR PROPERTY OWNER		DATE
11. STILLS FOR FUEL PRODUCTION ON PLANT PREMISES					
STILL MANUFACTURER <i>(If owner is the manufacturer write "Owner")</i> <i>(a)</i>	SERIAL NUMBER OF STILL <i>(b)</i>	KIND OF STILL <i>(Charge, Chamber, Continuous Still, or other (Specify))</i> <i>(c)</i>	CAPACITY (Proof Gallons) <i>(See Instruction 7)</i> <i>(d)</i>		
12. BASIC MATERIALS <i>(Other than yeasts or enzymes)</i> TO BE USED IN PRODUCTION OF SPIRITS <i>(Check applicable box(es))</i>					
<input type="checkbox"/> GRAIN <i>(Corn, Wheat, Sorghum, Barley, etc.)</i> OR STARCH PRODUCTS <i>(Potatoes, Sweet Potatoes, etc.)</i>		<input type="checkbox"/> FORAGE CROPS <i>(Alfalfa, Sudan Grass, Forage Sorghum, etc.)</i>			
<input type="checkbox"/> SUGAR BASED CROPS OR PRODUCTS <i>(Cane Sugar, Sugar Beets, Molasses, Sweet Sorghum, Beet Fodder, etc.)</i>		<input type="checkbox"/> CROP RESIDUE <i>(Garbage or other refuse)</i>			
<input type="checkbox"/> FRUITS OR FRUIT PRODUCTS <i>(Grapes, Peaches, Apples, etc.)</i>		<input type="checkbox"/> OTHER <i>(Specify)</i> _____			
13. DESCRIPTION OF SECURITY MEASURES <i>(Such as use of locks, fences, building alarms, etc.)</i> TO PROTECT PREMISES, CONTAINER(S), STILL(S), AND BUILDING(S) WHERE SPIRITS ARE STORED					

14. **DIAGRAM OF PLANT PREMISES** (In the space provided on the attached map or diagram, show the area to be included for the alcohol fuel plant. Identify roads, streams, lakes, railroads, buildings, and other structures or topographical features on the diagram. Show location(s) where alcohol fuel plant operations will occur. The diagram should be in sufficient detail to locate your operations and premises. See instruction 8 for sample diagram.)

15. I WILL COMPLY WITH THE CLEAN WATER ACT (33 U.S.C. 1341(a)). (Will not discharge into navigable waters of the U.S.)

☐
☐

16. MEDIUM AND LARGE ALCOHOL FUEL PLANT APPLICANTS MUST PREPARE AND ATTACH THE ADDITIONAL INFORMATION SPECIFIED IN INSTRUCTION 11.

Under the penalties of perjury, I declare that I have examined this application, including the documents submitted in support thereof or incorporated therein by reference, and, to the best of my knowledge and belief, it is true, correct, and complete.

17. SIGNATURE OF/FOR APPLICANT

18. TITLE (Owner, Partner, Corporate Officer)

19. DATE

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FOR QUESTIONS CONCERNING YOUR APPLICATION CONTACT THE TTB OFFICE BELOW:

DIRECTOR, NATIONAL REVENUE CENTER  
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU  
550 MAIN ST, STE 8002  
CINCINNATI, OH 45202-5215  
TOLL-FREE 1-877-882-3277

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#### PRIVACY ACT INFORMATION

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. 552(a)(e)(3)):

1. **AUTHORITY.** Solicitation of this information is made pursuant to 26 U.S.C. 5181. Disclosure of this information by the applicant is mandatory if the applicant wishes to obtain an Alcohol Fuel Producer's Permit.
2. **PURPOSE.** To determine the eligibility of the applicant to obtain an Alcohol Fuel Producer's Permit, to determine location and extent of the premises, and to determine whether the operations will be in conformity with law and regulations.
3. **ROUTINE USES.** The information will be used by TTB to make determinations set forth in paragraph 2. In addition, the information may be disclosed to other Federal, State, foreign, and local law enforcement, and regulatory agency personnel to verify information on the application where such disclosure is not prohibited by law. The information may be further disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, the information may be disclosed to members of the public in order to verify the information on the application where such disclosure is not prohibited by law.
4. **EFFECTS OF NOT SUPPLYING REQUESTED INFORMATION.** Failure to supply complete information will delay processing and may result in denial of the application.

The following information is provided pursuant to Section 7(b) of the Privacy Act of 1974:

Disclosure of the individual's social security number is voluntary. Pursuant to the statutes above, TTB is authorized to solicit this information. The number may be used to verify the individual's identity.

#### PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The information is required to obtain a permit under 26 U.S.C. 5181.

The estimated average burden associated with this collection is 1 hour and 48 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Reports Management Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Box 12, Washington, DC 20005

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current, valid OMB control number.



# Exhibit E

## DEPARTMENT OF THE TREASURY

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)

## APPLICATION FOR AMENDED BASIC PERMIT UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

(See instructions after this page)

1. NAME OF PERMITTEE	2. PERMIT NUMBER(S) TO BE AMENDED  Page 2 of 2	3. EMPLOYER IDENTIFICATION NUMBER																						
<b>REASON FOR CHANGE</b>																								
4. CHANGE NAME ON PERMIT		5. CHANGE OPERATIONS	CHANGE OPERATIONS ON PERMIT TO 19.677:																					
6. CHANGE IN TRADE NAME(S)	ADD NEW TRADE NAME(S) (State the purpose for which each trade name will be used. Use of trade name as a brand name on a label requires additional approval on TTB F 5100.31.)  Page 1 of 2  REMOVE TRADE NAME(S)																							
7. CHANGE ADDRESS (ES)	CHANGE PREMISES ADDRESS TO (Number, street, route, city or town, State, and ZIP Code)  CHANGE MAILING ADDRESS TO (Number, street, route, city or town, State, and ZIP Code OR P.O. Box, city or town, State, and ZIP Code)																							
8. CHANGE IN OFFICER, DIRECTOR, STOCK-HOLDER OR INVESTOR (See instruction 1)	<b>REMOVE</b> (Refer to 27 CFR 19.683-19.690, 19.692, and 19.693.) NAME 19.699. <b>ADD THE FOLLOWING INDIVIDUAL</b> (Attach separate sheet if adding more than one person) <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:40%;">a. FULL GIVEN NAME (no initials)</td> <td style="width:30%;">b. OTHER NAMES USED (include maiden and married)</td> <td style="width:30%;">c. <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE</td> </tr> <tr> <td>d. SOCIAL SECURITY NUMBER OR EMPLOYER IDENTIFICATION NUMBER SOURCE OF FUNDS INVESTED</td> <td>e. BIRTH DATE  &amp; financial institution</td> <td>f. PLACE OF BIRTH</td> </tr> <tr> <td colspan="2">g. ARE YOU A U.S. CITIZEN? <input type="checkbox"/> YES <input type="checkbox"/> NO</td> <td>h. NUMBER AND TYPE OF SHARES HELD if person holds more than 10 percent.</td> </tr> <tr> <td>i. TITLE WITH APPLICANT'S BUSINESS</td> <td colspan="2">j. INVESTMENT IN PERMITTEE'S BUSINESS if more than 10 percent of capital.</td> </tr> <tr> <td>k. RESIDENCES OR PRINCIPAL PLACES OF BUSINESS DURING THE PAST 5 YEARS</td> <td>(1) NEW  \$</td> <td>(2) SOURCE OF FUNDS (examples, savings, loan, gift).</td> </tr> <tr> <td colspan="3">l. HAS THIS PERSON EVER BEEN ARRESTED FOR, CHARGED WITH, OR CONVICTED OF, ANY CRIME UNDER FEDERAL, STATE, OR FOREIGN LAWS other than misdemeanor traffic violations or convictions that are not felonies under Federal or State law? <input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td colspan="3">m. HAS THIS PERSON EVER BEEN DENIED A PERMIT, LICENSE OR OTHER AUTHORIZATION TO ENGAGE IN ANY BUSINESS TO MANUFACTURE, DISTRIBUTE, IMPORT, SELL, OR USE ALCOHOL PRODUCTS (beverage or nonbeverage) BY ANY GOVERNMENT (Federal, State, local, or foreign) AGENCY OR HAD SUCH PERMIT, LICENSE, OR OTHER AUTHORIZATION REVOKED, SUSPENDED OR OTHERWISE TERMINATED?  <input type="checkbox"/> YES (State the details on a separate sheet.) <input type="checkbox"/> NO</td> </tr> </table>			a. FULL GIVEN NAME (no initials)	b. OTHER NAMES USED (include maiden and married)	c. <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	d. SOCIAL SECURITY NUMBER OR EMPLOYER IDENTIFICATION NUMBER SOURCE OF FUNDS INVESTED	e. BIRTH DATE  & financial institution	f. PLACE OF BIRTH	g. ARE YOU A U.S. CITIZEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		h. NUMBER AND TYPE OF SHARES HELD if person holds more than 10 percent.	i. TITLE WITH APPLICANT'S BUSINESS	j. INVESTMENT IN PERMITTEE'S BUSINESS if more than 10 percent of capital.		k. RESIDENCES OR PRINCIPAL PLACES OF BUSINESS DURING THE PAST 5 YEARS	(1) NEW  \$	(2) SOURCE OF FUNDS (examples, savings, loan, gift).	l. HAS THIS PERSON EVER BEEN ARRESTED FOR, CHARGED WITH, OR CONVICTED OF, ANY CRIME UNDER FEDERAL, STATE, OR FOREIGN LAWS other than misdemeanor traffic violations or convictions that are not felonies under Federal or State law? <input type="checkbox"/> YES <input type="checkbox"/> NO			m. HAS THIS PERSON EVER BEEN DENIED A PERMIT, LICENSE OR OTHER AUTHORIZATION TO ENGAGE IN ANY BUSINESS TO MANUFACTURE, DISTRIBUTE, IMPORT, SELL, OR USE ALCOHOL PRODUCTS (beverage or nonbeverage) BY ANY GOVERNMENT (Federal, State, local, or foreign) AGENCY OR HAD SUCH PERMIT, LICENSE, OR OTHER AUTHORIZATION REVOKED, SUSPENDED OR OTHERWISE TERMINATED?  <input type="checkbox"/> YES (State the details on a separate sheet.) <input type="checkbox"/> NO		
a. FULL GIVEN NAME (no initials)	b. OTHER NAMES USED (include maiden and married)	c. <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE																						
d. SOCIAL SECURITY NUMBER OR EMPLOYER IDENTIFICATION NUMBER SOURCE OF FUNDS INVESTED	e. BIRTH DATE  & financial institution	f. PLACE OF BIRTH																						
g. ARE YOU A U.S. CITIZEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		h. NUMBER AND TYPE OF SHARES HELD if person holds more than 10 percent.																						
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9. ADDITIONAL INFORMATION. TTB may require additional evidence necessary to verify this application.																								
10. PERMITTEE'S AFFIRMATION Under penalties of perjury, I declare that I have examined this application, including accompanying statements, and to the best of my knowledge and belief, it is true, correct, and complete. The business for which this permit is granted does not violate the law of the State in which business will be conducted.																								
11. SIGNATURE OF AUTHORIZED INDIVIDUAL	12. TITLE	13. TELEPHONE NO.	14. DATE																					
15. E-MAIL (INTERNET) ADDRESS (optional):																								

## FOR TTB USE ONLY

16. SIGNATURE AND TITLE OF TTB OFFICIAL	17. DATE
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1. **GENERAL.** File this application if you want to amend your permit under the Federal Alcohol Administration Act (FAA Act) or to notify the Alcohol and Tobacco Tax and Trade Bureau (TTB) of a change in the ownership, management, or control. In the case of a corporation, report any change in the officers, directors, or persons (*individual or business*) who own or control more than 10 percent of the voting stock. When a change results in an actual or legal change in control or a new person acquires a permittee's business, file an application for a new permit (TTB F 5100.24). Neither the filing of this application nor its approval allows a business to violate State or local laws, such as registration of trade names and licensing requirements.
  2. **FILING.** Complete all applicable items. Attach your permit to this application if you are requesting any amendments identified in items 4 through 7. If you need additional room, use a separate sheet. Put your name, permit number(s), date of application, and the item number(s) on each separate sheet. File two copies of this form and any attachments with the appropriate TTB office listed below. Also, contact this office if you have questions.
- |  |  |                         |
|--|--|-------------------------|
| Location of<br><u>Business on permit</u> | <b>Send to:</b><br><u>TTB</u>  | <u>Telephone Number</u> |
| PR                                       | Director, Puerto Rico Operations<br>Ste 310 Torre Chardon<br>350 Carlos Chardon Ave<br>San Juan, PR 00918-2124 | 787-766-5584            |
| ALL OTHER STATES                         | TTB, National Revenue Center<br>550 Main Street, Suite 8002<br>Cincinnati, OH 45202                            | 1-877-882-3277          |
3. **INFORMATION ON FILE.** You may reference information if you filed it with a valid TTB permit or an application that is pending with TTB. Reference the appropriate item(s) of this application. Include the name of the applicant or the permittee, and the TTB permit number or the type and date of the application.
  4. **OPERATIONS WITHOUT AN AMENDED PERMIT.** In general, criminal and administrative actions may be taken against persons operating without a valid FAA Act permit. Before you conduct any operations with any change specified in items 4 through 7, you must apply for, and receive, an approved permit. Immediately notify TTB of any changes in the ownership or management in a permittee's business.
  5. **ITEM 5 - ALCOHOL DEALER REGISTRATION.** If you move or change the location of your business complete TTB F 5630.5d, Alcohol Dealer Registration within 30 days of the change. You do not need a TTB F 5630.5d when your business only involves the importation or sale of fermented cereal beverages which have an alcoholic content of less than 1/2 percent or where your business is only in Puerto Rico.
  6. **ITEM 11 AND 12 - SIGNING THE APPLICATION.** If the permittee is an individual, the individual must sign. If the permittee is a corporation, the president, vice-president, or other principal officer must sign. If the permittee is a partnership or other unincorporated organization, a responsible and authorized member or officer having knowledge of its affairs must sign. If the permittee is a trust or estate, the fiduciary must sign. If an agent of the permittee signs, file an acceptable power of attorney (*for example TTB F 5000.8*) with the appropriate TTB office.
  7. **APPROVAL.** If you complete any of items 4 through 7 and attach your permit, TTB will send the amended FAA Act permit to you. If you complete item 8, TTB will return a copy of this application for your files.

#### PRIVACY ACT INFORMATION

The following information is provided pursuant to Sections 3 and 7(b) of the Privacy Act of 1974:

1. **AUTHORITY.** Solicitation of information on TTB F 5100.18 is made pursuant to 27 U.S.C. Section 204(c). Disclosure of this information by the applicant is mandatory if the applicant wishes to obtain an amended basic permit under the FAA Act.
2. **PURPOSES.** To identify the permittee; the location of the premises; and to determine the eligibility of the permittee to obtain an amended basic permit.
3. **ROUTINE USES.** The information will be used by TTB to make determinations set forth in paragraph 2 above where such disclosure is not prohibited. TTB officers may disclose this information to other Federal, State, foreign, and local law enforcement and regulatory agency personnel to verify information on the application and for enforcement of the laws of such other agency. The information may be disclosed to the Justice Department if the application appears to be false or misleading. TTB officers may disclose the information to individuals to verify information on the application where such disclosure is not prohibited.
4. **EFFECTS OF NOT SUPPLYING INFORMATION REQUESTED.** TTB may delay or deny the issuance of the FAA Act basic permit where information is missing or not complete.
5. **DISCLOSURE OF EMPLOYER IDENTIFICATION NUMBER AND SOCIAL SECURITY NUMBER.** You do not have to supply these numbers. These numbers are used to identify an individual or business. If you do not supply these numbers, your application may be delayed.

#### PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used to determine the eligibility of the applicant to engage in certain operations, to determine the location and extent of operations, and to determine whether the operations will conform to Federal laws and regulations. This information is required to obtain a benefit and is mandatory by statute (27 U.S.C. 203 and 204(c)).

The estimated average burden associated with this information collection is 30 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to the Reports Management Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Box 12, Washington, DC 20005.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current, valid OMB control number.